

SENATE BILL 1359

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 5; Title 6; Title 7; Title 8; Title 38; Title 49;  
Title 50; Title 63; Title 65, Chapter 15 and Title 71,  
relative to drug testing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding title 50, chapter 9, or other law to the contrary, a public or private employer shall not discriminate against an applicant or employee in hiring, termination, or a term or condition of employment, or otherwise penalize an applicant or employee based on a drug test that indicates the use of marijuana by the applicant or employee.

(b) This section does not apply:

(1) To a person employed in, or applying for:

(A) A safety-sensitive position, as defined in § 50-9-103;

(B) A position that engages in the practice of the healing arts, as defined in § 63-1-102; or

(C) A position in a school, when the person's responsibilities include the supervision of children;

(2) When federal law, including the Drug-Free Workplace Act of 1988 (41 U.S.C. chapter 81), requires action to be taken against an applicant or employee based on a drug test that indicates the use of marijuana by the applicant or

employee, or requires the withholding or reduction of federal funds for the failure of an employer to take action against an applicant or employee; or

(3) To reasonable-suspicion drug testing, as defined in § 50-9-103; as long as the report of drug use alleges the use of marijuana while at work.

(c) For purposes of this section:

(1) "Employer" means a person or entity that employs a person; and

(2) "School" means a public or privately operated child care agency, as defined in § 71-3-501; child care program, as defined in § 49-1-1102; preschool; nursery school; kindergarten; elementary school; or secondary school.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to conduct occurring on or after that date.